

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Brett A. Currier and
Brenda L. Currier
v.

Civil Action No. 18-CV-01204-LM

Town of Gilmanton
and
Marshall E. Bishop, Individually and
d/b/a Gilmanton Winery and Vineyard

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Town of Gilmanton and Marshall E. Bishop, by their respective counsel, respectfully submit this Motion for Summary Judgment under Fed. R. Civ. P. 56. In support of this Motion, Defendants state as follows:

1. By their Amended Complaint, Plaintiffs allege four broad claims against the Town and Bishop: Count I for defamation (both Defendants); Count II for violation of RSA 91-A (Town only); Count III for First Amendment violations under § 1983 (both Defendants); and Count IV for violation of the New Hampshire Constitution Part 1, Article 22 (both Defendants).

2. As explained in the accompanying Memorandum of Law, which is incorporated herein by reference, Defendants are entitled to summary judgment on each of the four counts. The undisputed facts demonstrate Plaintiffs cannot prevail on any of their theories of tort liability as a matter of law.

3. Due to the dispositive relief sought herein, Defendants did not seek the assent of Plaintiffs before filing this Motion.

WHEREFORE, Defendants respectfully request this Honorable Court:

- A. Enter summary judgment for Defendants on all of Plaintiffs' claim; and
- B. Grant such other and further relief as this Court deems just and equitable.

Respectfully submitted,

THE TOWN OF GILMANTON

By its attorneys

Dated: December 20, 2021

By: /s/ Jonathan M. Shirley
Brian J. S. Cullen (NH Bar No. 11265)
Jonathan M. Shirley (NH Bar No. 16494)
Cullen Collimore Shirley PLLC
37 Technology Way, Suite 3W2
Nashua, NH 03060
(603) 881-5500
bcullen@cullencollimore.com
jshirley@cullencollimore.com

and

Demetrio F. Aspiras, Esquire (NH Bar No. 19518)
Drummond Woodsum
100 International Drive, Suite 340
Portsmouth, NH 03801-6891
(603) 433-3317
daspiras@dwmlaw.com

**MARSHALL E. BISHOP, INDIVIDUALLY
AND D/B/A GILMANTON WINERY AND
VINEYAR**

By his attorneys

Dated: December 20, 2021

By: /s/ Dona Feeney
Dona Feeney, Esquire (NH Bar No. 12854)
Friedman Feeney, PLLC
95 North State Street, Suite 5
Concord, NH 03301
(603) 736-7683
dfeeney@friedmanfeeney.com

CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: December 20, 2021

By: /s/ Jonathan M. Shirley
Jonathan M. Shirley